

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appellant:	David H. Hanes	Examiner:	Benjamin R. Bruckhart
Serial No.:	10/824,242	Group Art Unit:	2478
Filed:	April 14, 2004	Docket No.:	200309081-1
Title:	REDIRECTING I/O REQUEST TO REMOTE NETWORKED PERIPHERAL DEVICE		

REPLY BRIEF TO EXAMINER'S ANSWER

Mail Stop Appeal Brief – Patents

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Reply Brief is presented in response to the Examiner's Answer mailed January 27, 2011, and in support of the Notice of Appeal filed October 26, 2010, the Appeal Brief filed December 27, 2010, appealing the rejection of claims 1, 2, 4-14, 16-25, 27-36, 38, 40-43, and 45-48 of the above-identified application as set forth in the Final Office Action mailed July 26, 2010.

At any time during the pendency of this application, please charge any fees required or credit any overpayment due to Deposit Account No. 08-2025 pursuant to 37 C.F.R. 1.25. Additionally, please charge any fees required to Deposit Account No. 08-2025 under 37 C.F.R. 1.16, 1.17, 1.19, 1.20 and 1.21.

Appellant respectfully requests reconsideration and reversal of the Examiner's rejection of pending claims 1, 2, 4-14, 16-25, 27-36, 38, 40-43, and 45-48.

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ARGUMENT

All arguments presented in Appellant's Appeal Brief are incorporated by reference herein. Further, Applicant responds to the Examiner's Answer as follows.

I. Rejection of claims 1-2, 4-14, 16-23, 33-36, 43, and 45-48 under 35 U.S.C. §103(a) as being unpatentable over the Heil et al. U.S. Patent No. 6,173,374 in view of the Miyoshi et al. U.S. Patent No. 6,901,451.

In the Response to Arguments Section (10) of the Examiner Answer at pages 8-9, the Examiner responds to Appellant's argument at pages 9-10 of the Appeal Brief that the Heil et al. Patent does not teach or suggest the limitations of independent claims 1, 13, 33, and 43 which recite **automatically and transparent to the client application** conveying the I/O request from the client application over a communication network to a remote peripheral device for processing of the I/O request. The Examiner specifically states at page 9 of the Examiner Answer in referring to the disclosure of the Heil et al. Patent that "the examiner sees no evidence that the transfer of the block is not automated or requires the client's intervention in the process. The steps are performed transparently and seamlessly and is consistent with applicant's specification para 16."

Appellant respectfully submits that the Heil et al. Patent discloses that "[p]rior to shipping the I/O block request, communications are established over the Fibre Channel backbone between the initial HBA and the remote HBA." (Col. 11, lines 57-60.) Therefore, communication over the network must first be established, and then the I/O block request is sent which means that the I/O block request cannot be **automatically and transparent to the client application** conveyed from a client application over the communication network to a remote peripheral device for processing of the I/O block request as would be required by any combination of references that would teach the limitations of independent claims 1, 13, 33, and 43.

Appellant also respectfully notes the Present Specification at paragraph 16 discloses that "embodiments of the present invention enable I/O requests issued by a client application to be processed with a remotely located peripheral device in a manner that is **transparent to the client**

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application” which is not possible according to the teachings of the the Heil et al. Patent which require that communications are established between the initial HBA and the remote HBA prior to shipping the I/O block request.

In the Response to Arguments Section (10) of the Examiner Answer at pages 9-10, the Examiner responds to Appellant’s argument at pages 10-11 of the Appeal Brief that the Miyoshi et al. Patent does not teach or suggest the limitations of independent claims 1, 13, 33, and 43 which define an I/O request from a client application referencing **a local peripheral address of a peripheral device** for processing of the I/O request and **replacing the local peripheral address** of the I/O request **with an address associated with the remote peripheral device**. Here, the Examiner cites to the same citations of the Miyoshi et al. Patent and presents that same arguments as in the Final Office Action dated July 26, 2010. Appellant has responded to these arguments in the Appeal Brief.

Appellant also wants to emphasize the argument presented at page 11 of the Appeal Brief that the Miyoshi et al. Patent at Col. 1, lines 11-13 defines a PCI bus as an “expansion bus that provides a communication path between a central processing unit (CPU) and a PCI device” and the Miyoshi et al. Patent at col. 1, lines 55-57 discloses “means for transferring PCI bus transactions from a local node of a PCI bus to a PCI bus on a remote node over a network” which combine to specifically disclose means for transferring a communication path transaction from a local node of a communication path to a communication path on a remote node over a network (i.e., communication between local and remote nodes). Independent claims 1, 13, 33, and 43 instead define an **I/O request from a client application** referencing **a local peripheral address of a peripheral device** for processing of the I/O request and **replacing the local peripheral address** of the I/O request **with an address associated with the remote peripheral device**.

In view of the above and the remarks presented in the Appeal Brief, Appellant respectfully requests reversal of the rejection of claims 1-2, 4-14, 16-23, 33-36, 43, and 45-48 under 35 U.S.C. § 103(a) and allowance of these claims.

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II. Rejection of claims 24-25, 27-32, 38, and 40-42 under 35 U.S.C. §103(a) as being unpatentable over the Heil et al. U.S. Patent No. 6,173,374 and the Miyoshi et al. U.S. Patent No. 6,901,451 in view of the Hewitt U.S. Patent No. 5,987,541.

For the reasons provided above and in the Appeal Brief, the combination of the the Heil et al. Patent and the Miyoshi et al. Patent do not teach or suggest the limitations of independent claims 24 and 38 which receive **a drive command from a client application** to record data to an optical medium and **format the drive command automatically and transparent to the client application for processing by a remote optical drive** and **replace a local peripheral address associated with the drive command with an address associated with the remote optical drive**.

The Examiner cites the Hewitt Patent merely for disclosing a computer system which discloses an optical drive (e.g., CD-ROM drive 132) on a PCI bus 120 in Figure 1 and at page 10 of the Examiner Answer that the that the optical drive is a type of peripheral device. This disclosure of the Hewitt Patent does not cure the deficiencies of the Heil et al. Patent and the Miyoshi et al. Patent combination for the reasons provided above and in the Appeal Brief.

In view of the above and the remarks presented in the Appeal Brief, Appellant respectfully requests reversal of the rejection of claims 24-25, 27-32, 38, and 40-42 under 35 U.S.C. § 103(a) and allowance of these claims.

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CONCLUSION

For the above reasons, Appellant respectfully submits that the art of record neither anticipates nor renders obvious the claimed invention. Thus, the claimed invention does patentably distinguish over the art of record. Appellant, therefore, respectfully submits that the above rejections are not correct and should be withdrawn, and respectfully requests that the Examiner be reversed and that all pending claims be allowed.

Any inquiry regarding this Reply Brief should be directed to Patrick G. Billig at Telephone No. (612) 573-2003, Facsimile No. (612) 573-2005.

Respectfully submitted,

David H. Hanes,

By his attorneys,

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PGB:cmj:mlm

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